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February 10, 2015

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Via ECF

Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 1640
New York, NY 10007

Re: *Consolidated Edison Company of New York, Inc. v. Lexington Insurance Company*,
Case No. 14-civ-06547-CM

Dear Judge McMahon:

We represent the plaintiff, Consolidated Edison Company of New York, Inc. ("Con Edison"), in the above-referenced matter. We write in response to the letter of February 9, 2015 to Your Honor from Lawrence Klein, counsel for the defendant, Lexington Insurance Company ("Lexington"), seeking a two-month extension of discovery. Mr. Klein's letter accurately sets forth Con Edison's position, which is that discovery in this action should be extended by one month to accommodate the issues set forth in Mr. Klein's letter. Con Edison has noticed only two depositions of witnesses affiliated with Lexington, one of which is for a Rule 30(b)(6) deposition. We are mindful of the fact that both witnesses are having knee surgery this month and certainly do not wish to inconvenience them. We expect, however, that the witnesses would be able to be deposed by April 3, if discovery is extended by one month. Lexington has noticed the depositions of three current and former Con Edison employees for the same date, March 3, 2015, and noticed a Rule 30(b)(6) deposition of Con Edison for March 2. Con Edison expects that one of the three witnesses whose deposition was noticed for March 3 also will be Con Edison's Rule 30(b)(6) witness. We expect that all of these depositions can be completed by April 3, and that the action should be ready for summary adjudication after that.

We are in the process of responding to Lexington's written discovery requests, and will produce any responsive documents to Lexington along with our written discovery responses, in order to avoid any further delay.



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We thank Your Honor for your consideration of this matter.

Respectfully yours,

/s/ David L. Elkind

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cc: Lawrence Klein, Esq.